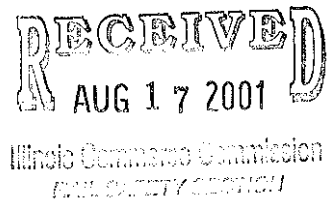


STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION



City of Belleville, Illinois, a Municipal Corporation,

Petitioner,

v.

: Docket No. TOO-01 11

Norfolk Southern Railway Company and Illinois  
Department of Transportation,

Respondents.

Petition for an Order authorizing (a) the construction of  
a new at grade crossing **of the 57" - 59"** Street Connector :  
with the tracks of the Norfolk Southern Railway Company :  
in Belleville, St. Clair County, Illinois and directing the :  
installation of automatic protection, and granting related :  
relief, (b) the retention of the existing at grade crossing and :  
automatic protection at South 59" Street, and (c) the :  
closure of the existing at grade crossing at North 24" :  
Street.

**RESPONDENT NORFOLK SOUTHERN'S EXCEPTIONS**  
**TO HEARING EXAMINER'S PROPOSED ORDER**

NOW COMES Respondent Norfolk Southern Railway Company (hereinafter 'Norfolk Southern'), and for its Exceptions to the Hearing Examiner's Proposed Order (dated August 8, 2001) states as follows:

1. The Hearing Examiner's Proposed Order assesses \$17,000.00 **of the** project's cost upon Respondent Norfolk Southern (see page 5, paragraph 7). Norfolk Southern respectfully objects to and takes exception to Norfolk Southern being assessed those costs or any costs of this project. The record in this case is abundantly clear that the City of Belleville's creation of a new "relocated" at grade crossing at the 57<sup>th</sup>-59<sup>th</sup> Street Connector (and the closure of the existing 59<sup>th</sup> Street at grade crossing) provides no net benefit to Norfolk Southern. Further, the assessment **of these** costs or any project costs

DOCKETED

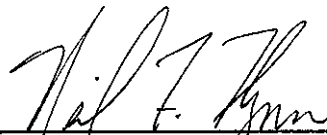
upon Norfolk Southern was not requested or suggested by the City in its Amended Petition; is inconsistent with current and past practices and decisions of the Commission; and is not supported by the record in this case.

2. The Proposed Order incorrectly reflects Norfolk Southern's estimate cost to "close, abolish, barricade 59<sup>th</sup> Street crossing" (see page 5, paragraph 7).

Norfolk Southern estimates that the cost to close, remove the crossing surface and to barricade the existing 59<sup>th</sup> Street at grade crossing to be a total of \$4,300.00. (See attached Exhibit - cost estimate dated August 13, 2001.) In addition, Norfolk Southern estimates that the cost of the removal of the existing signalization (gates and lights) at the 59<sup>th</sup> Street at grade crossing to be \$17,000.00. (See Norfolk Southern's cost estimate and correspondence, dated August 3, 2001 and August 6, 2001, respectively.)

3. Norfolk Southern respectfully submits that the 2<sup>nd</sup> full paragraph on page 6 be modified to clarify that the 59<sup>th</sup> Street grade crossing not be closed, abolished or barricaded to vehicular traffic until such time as the 57<sup>th</sup>-59<sup>th</sup> Street Connector has been completed and is open to motor vehicular traffic.

Respectfully Submitted,



---

Neil F. Flynn, Attorney for Respondent  
Norfolk Southern Railway Company

**Dated: August 16, 2001**

Neil F. Flynn  
Attorney at Law  
1035 South Second Street  
Springfield, IL 62704  
217-544-0261

## NORFOLK SOUTHERN RAILWAY COMPANY

WESTERN REGION - ILLINOIS DIVISION

BELLEVILLE, ILLINOIS: DOT 724 578E

Estimate for proposed closure. at&ion and barricading of the 59th St.  
grade crossing at MP 13.25-W.

1 TRACK; 48 ' CROSSING LENGTHS

MATERIAL	QUANTITY	UNIT	UNIT COST	AMOUNT
BARRICADE GUARD RAILS (2 @ 60')	120	LIN. FT.	4.00	480
GUARD RAIL POSTS	20	EA.	15.00	300
REFLECTORIZED WARNING SIGNS	15	EA.	15.00	225
TOTAL (INCLUDES 8% INVENTORY OR TAX ADDITIVES)				1065

LABOR				
REMOVE CROSSING AND PAVEMENT, ERECT BARRICADES				1,200
TOTAL				1,200

COMPOSITE LABOR ADDITIVE (63.00%)	755
DISPOSAL FEES	100
USE OF EQUIPMENT	1,000
Preliminary Engineering, Construction Supervision, Bill Preparation	189
GRAND TOTAL	\$4,300

OFFICE OF CHIEF ENGINEER. BRIDGES & STRUCTURES - ATLANTA, GEORGIA  
DATE: AUGUST 13.2001 FILE 120-1-6037

\*\* TOTAL PAGE.002 \*\*

\*\* TOTAL PAGE.02 \*\*

# NEIL F. FLYNN, ATTORNEY AT LAW

1035 SOUTH SECOND STREET/P.O. BOX 37

SPRINGFIELD, IL 62705-0037

217-544-0261

Fax: 217-544-0688

August 6, 2001

Mr. Bob Berry  
Railroad **Staff**  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL. 62701

**RE: T00-111/Belleville, Illinois**  
**Cost Estimates**

Dear Bob:

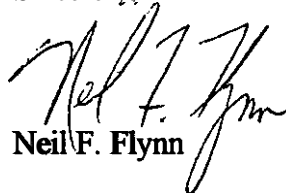
Enclosed please **find** the following documents:

- 1) a copy of Norfolk Southern's cost estimate for the installation of automatic flashing light signals and gates with constant warning time circuitry at the proposed new at-grade crossing at the **57th-59th** Street Connection (labor and materials);
- 2) a copy **of Norfolk** Southern's cost estimate for the installation of the concrete crossing surface at the new **57th-59th** Street Connector (labor and materials); and
- 3) a copy of Norfolk Southern's cost estimate for the removal of the signalization at the existing 59" Street crossing.

I am still in the process of obtaining a cost estimate for the removal of the crossing surface and barricading of the existing 59" Street at-grade crossing.

If you have any questions or need any additional detail, please let me know.

Sincerely,



Neil F. Flynn

NFF/cb

Enclosures

cc: Illinois Commerce Commission Clerk; All parties of record (see attached service list);  
Hearing Examiner Joseph O'Brien; Thomas W. Ambler, Esq.; George Camille; Bill  
**Hernan**

PROOF OF SERVICE

The undersigned certifies that on August 6, 2001, a copy of the foregoing letter and cost estimates were served upon the **following** parties by depositing said instruments in the U.S. Mail, with postage thereon **fully** prepaid, at Springfield, Illinois, plainly addressed as follows:

Kevin **Sharpe**, Director of Processing  
Illinois Commerce Commission  
527 East Capitol  
P.O. Box 19280  
Springfield, IL 62794-9280

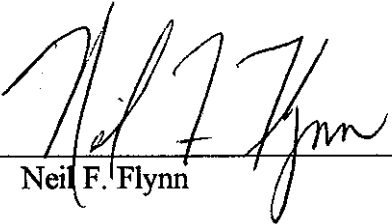
Mr. Bob Berry  
Railroad Staff  
Illinois Commerce Commission  
527 East Capitol  
Springfield, **IL** 62701

Mr. James C. Slifer, Director  
Division of Highways  
Illinois Department of Transportation  
2300 South Dirksen Parkway  
Springfield, **IL** 62764

Robert J. Sprague  
Attorney for City of Belleville  
Sprague & Urban  
26 East Washington Street  
Belleville, IL 62220

City of Belleville  
Mayor Mark A. Kern  
101 South Illinois Street  
Belleville, IL 62220-2105

Neil F. Flynn  
Attorney at Law  
1035 South Second Street  
P.O. Box 37  
Springfield, IL 62705  
Telephone: 217-544-0261

  
\_\_\_\_\_  
Neil F. Flynn

**Norfolk Southern Railway Company - Signal Engineering Department**  
**Bell-Park Estimate for Automatic Grade Crossing Warning Devices**

<b>City   State:</b>	<b>Belleville, IL</b>	<b>Road:</b>	<b>59th. street</b>
<b>Milepost:</b>	<b>13.20 W</b>	<b>DOT/AAR Number:</b>	<b>724 576E</b>
<b>Type Project:</b>	<b>Removal of Equipment</b>	<b>County:</b>	<b>St. Clair</b>
<b>S&amp;E Project:</b>	<b>04.0518</b>	<b>State Project No.:</b>	
<b>Man Days:</b>	<b>24</b>	<b>File Number:</b>	<b>061-04.036</b>

**• \*\*\* Purchases - Others • \*\***

<b>••••• and Lodges:</b>	<b>\$</b>	<b>\$1,520.00</b>	
<b>Rental of Equipment:</b>	<b>\$</b>	<b>3,310.00</b>	
<b>(2 Trucks, 1 Backhoe w/Trailer</b>			
<b>end 1 Pipe-Pusher for: 6 Days)</b>			
<b>Construction Supervision Vehicle:</b>	<b>\$</b>	<b>70.00</b>	
<b>Contingencies:</b>	<b>\$</b>	<b>300.00</b>	
<b>Purchases - Others Total:</b>		<b>\$</b>	<b>5,200.00</b>

**\*\*\* Material and Additives • \*\***

<b>Material Cost:</b>	<b>\$</b>	<b>2,500.00</b>	
<b>Sales and Use Tax:</b>	<b>\$</b>	<b>120.00</b>	
<b>Freight Charges:</b>	<b>\$</b>	<b>230.00</b>	
<b>Material Total:</b>		<b>\$</b>	<b>2,850.00</b>

**\*\*\* Labor and Additives \*\*\***

<b>Labor Cost:</b>	<b>5</b>	<b>\$3,890.00</b>	
<b>(4 Man Crew a 9648.00</b>			
<b>a Day for: 6 Days)</b>			
<b>Payroll Taxes and Overheads:</b>	<b>5</b>	<b>\$3,360.00</b>	
<b>Preliminary Engineering:</b>	<b>\$</b>	<b>5600.00</b>	
<b>Construction Supervision:</b>	<b>\$</b>	<b>\$1,100.00</b>	
<b>Labor Total:</b>	<b>5</b>	<b>\$8,950.00</b>	
	<b>Subtotal:</b>	<b>\$</b>	<b>\$17,000.00</b>
	<b>Credit (salvage/Scrap):</b>	<b>-</b>	<b>0.00</b>
	<b>Total Project Cost</b>	<b>\$</b>	<b>\$17,000.00</b>

**Estimate Date:** 08/03/01

**Estimated By:** R. H. Ray

**This Estimate Provided To Aid In Preparation And Planning**  
**Of This Project And Is Valid For One Year From Date.**

**Norfolk Southern Railway Company - Signal Engineering Department**  
**Ball-Park Estimate for Automatic Grade Crossing Warning Devices**

<b>City /stats:</b>	<b>Belleville, Il.</b>	<b>Road:</b>	<b>57th./59th. Street Conn.</b>
<b>Milepost:</b>	<b>13.20 W</b>	<b>DOT/AAR Number</b>	<b>724 576E</b>
<b>Type Project:</b>	<b>New Installation</b>	<b>County:</b>	<b>St. Clair</b>
<b>S&amp;E Project</b>	<b>04.0519</b>	<b>State Project No.:</b>	
<b>Man Days:</b>	<b>120</b>	<b>File Number:</b>	<b>061-04.036</b>

**\*\*\* Purchases • Others \*\*\***

Meals and Lodges:	\$	<b>\$7,580.00</b>	
Rental of Equipment	\$	<b>16,530.00</b>	
(2 Trucks, 1 Backhoe w/Trailer and 1 Pipe-Pusher for: 30 Days)			
Construction Supervision Vehicle:	\$	320.00	
Contingencies:	\$	400.00	
<b>Purchases • Others Total:</b>			<b>\$ 24,910.00</b>

**• \*\* Material and Additives \*\*\***

<b>Material Cost:</b>	\$	<b>87,500.00</b>	
<b>Sales and Use Tax:</b>	\$	<b>4,370.00</b>	
Freight Charges:	\$	<b>8,310.00</b>	
<b>Material Total:</b>			<b>\$ 100,180.00</b>

**• \*\* Labor and Additives \*\*\***

Labor Cost:	\$	<b>\$19,440.00</b>	
(4 Man Crew at 5648.00 a Day for: 30 Days)			
Payroll Taxes and Overheads:	\$	<b>\$16,830.00</b>	
Preliminary Engineering:	\$	<b>\$10,150.00</b>	
Construction Supervision:	\$	<b>\$6,490.00</b>	
<b>Labor Total:</b>			<b>\$ 51,910.00</b>
		Subtotal:	<b>\$ 177,000.00</b>
		Credit (salvage/Scrap):	0.00
		<b>Total Project Cost</b>	<b>\$ 5177,000.00</b>

Estimate Date: **08/03/01**

Estimated By: **R. H. Ray**

This **Estimate** Provided To Aid In **Preparation** And Planning  
 Of This Project And Is Valid For One Year From **Date**.

*Norfolk Southern Railway Company ~ Engineering Department*  
**Ball-Park Estimate for Crossing Surface and/or Track changes.**

<b>City/State:</b> <b>Bellefonte, IL</b> <b>Milepost:</b> 13.20 w <b>Type Project:</b> Concrete <b>Surface</b> <b>S&amp;E Project:</b> 04.0519 <b>Man Days:</b> 7    2	<b>Road:</b> <b>57th./59th. Street Conn.</b> <b>DOT/AAR Number:</b> 724 <b>576E</b> <b>County:</b> <b>St. Clair</b> <b>MV&amp;S File Number:</b> 0 <b>File Number:</b> <b>061-04.036</b>
--	--

**. \*\* Purchases - Others \*\*\***

<b>Meals and Lodges:</b>	<b>\$</b>	<b>\$1,080.00</b>	
<b>Rental of Equipment:</b>	<b>\$</b>	<b>4,080.00</b>	
Construction Supervision Vehicle:	<b>\$</b>	160.00	
<b>Contingencies:</b>	<b>\$</b>	340.00	
<b>Purchases - Others Total:</b>			5 <b>5,680.00</b>

**\*\*\* Material and Additives \*\*\***

<b>Material Cost:</b>	<b>\$</b>	<b>32,200.00</b>	
<b>Sales and Use Tax:</b>	<b>\$</b>	<b>1,610.00</b>	
Freight Charges:	<b>5</b>	<b>1,610.00</b>	
<b>Material Total:</b>			5 <b>35,420.00</b>

**\*\*\* Labor and Additives \*\*\***

<b>Labor Cost:</b>	<b>\$</b>	<b>\$10,730.00</b>	
Payroll Taxes and <b>Overheads:</b>	<b>\$</b>	<b>\$9,290.00</b>	
<b>Preliminary Engineering:</b>	<b>\$</b>	\$850.00	
<b>Construction Supervision:</b>	<b>\$</b>	<b>\$3,030.00</b>	
<b>Labor Total:</b>			5 <b>\$23,900.00</b>
		<b>Subtotal:</b>	<b>\$    \$65,000.00</b>
		Credit (Salvage/scrap):	0.00
		<b>Total Project Cost</b>	<b>\$    \$65,000.00</b>

Estimate Date: **08/03/01**

Estimated By: **R. H. Ray**

**This Estimate Provided To Aid In Preparation And Planning  
 Of This Project And Is Valid For One Year From Date.**



PROOF OF SERVICE

The undersigned certifies that on August 16, 2001, a copy of the foregoing instrument was served upon the following parties by depositing said instrument in the U.S. Mail, with postage thereon fully prepaid, at Springfield, Illinois, plainly addressed as follows:

Kevin Sharpe, Director of Processing  
Illinois Commerce Commission  
527 East Capitol  
Springfield, IL 62701

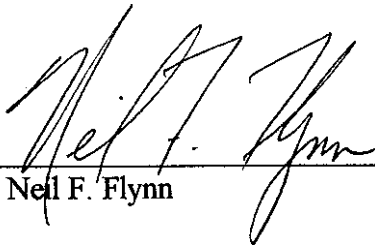
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Hearing Examiner  
Illinois Commerce Commission  
527 East Capitol  
Springfield, IL 62701

Mr. Bob Berry  
Railroad Staff  
Illinois Commerce Commission  
527 East Capitol  
Springfield, IL 62701

Robert J. Sprague  
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Sprague & Urban  
26 East Washington Street  
Belleville, IL 62220

Neil F. Flynn  
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1035 South Second Street  
P.O. Box 37  
Springfield, IL 62705  
Telephone: 217-544-0261

  
Neil F. Flynn